



# U.S. House of Representatives Committee on the Judiciary

## F. James Sensenbrenner, Jr., Chairman

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### ***News Advisory***

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## **GAO Report Recommends Action to Mitigate Security Risks of Visa Waiver Program**

WASHINGTON, D.C. - The Government Accountability Office (GAO) today released a report recommending actions to mitigate security risks within the Visa Waiver Program (VWP) as well as releasing a detailed letter addressing the Bush Administration's efforts to guide "road map" countries seeking to join VWP.

House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.), who requested both the report and the letter, said, "While I'm generally pleased with the high standard the Department of Homeland Security (DHS) has applied to VWP countries' compliance, this report highlights actions necessary to mitigate security risks for travelers entering the U.S. under the program. I am particularly concerned that not all VWP countries are promptly reporting lost and stolen passports as required. Lost or stolen passports from VWP countries are highly valuable documents that can be exploited by criminals and terrorists. In addition, DHS needs to strengthen the Office of International Enforcement by providing more than two full-time employees to scrutinize the security risks of twenty-seven participating countries."

"The VWP has numerous benefits, including allowing resources to be better utilized and saving U.S. taxpayers hundreds of millions of dollars a year by avoiding the costs of visa processing for roughly 15 million people. The VWP also enhances our economy and U.S. jobs by encouraging travel and tourism to the U.S. In order for these benefits to continue, though, we must address any security vulnerabilities. We know terrorists are aiming to exploit the VWP as evidenced by the recent London plot, where all of the would-be bombers would have boarded U.S. planes without any visa scrutiny," added Chairman Sensenbrenner.

### **GAO Report Highlights:**

- DHS has not provided sufficient resources to the Office of International Enforcement to effectively monitor the risks posed by VWP countries on an ongoing basis. While the Visa Waiver Program Oversight Unit developed a strategic plan to monitor the program, it has been unable to implement this plan with its current staff of two full-time employees.
- The reporting of lost and stolen passports remains a key vulnerability. Not all VWP countries have reported their data to the United States on stolen blank passports.
- The 2002 Enhanced Border Security and Visa Entry Reform Act made timely reporting

of such thefts a statutory requirement for continued participation in the program, but DHS has still not issued standard operating procedures for obtaining lost and stolen passport data from VWP countries.

- According to the Secretary General of Interpol, until DHS can automatically query Interpol's data, the United States will not have an effective screening tool for checking passports.

### **VWP Background Provided by GAO:**

The Visa Waiver Program was established to facilitate the legitimate travel of visitors for business or tourism from countries whose citizens had demonstrated compliance with U.S. immigration laws.

The Immigration Reform and Control Act of 1986 (IRCA) created the Visa Waiver Program as a pilot program. In October 2000, it became a permanent program under the Visa Waiver Permanent Program Act, which stipulated that a country's participation should not have an adverse affect on U.S. law enforcement and security interests.

The requirements for inclusion in the Visa Waiver Program include the following:

- *A low nonimmigrant visa refusal rate.* To qualify for visa waiver status, a country must maintain a refusal rate of less than three percent for its citizens who apply for temporary business and tourism visas.
- *A machine-readable passport program.* The country must certify that it issues machine-readable passports to its citizens. As of June 26, 2005, all travelers are required to have a machine-readable passport to enter the United States under the program.
- *Reciprocity.* The country must offer visa-free travel for U.S. citizens.

In 2002, the Enhanced Border Security and Visa Entry Reform Act mandated that the security risks posed by each visa waiver country's participation in the program be examined and reported at least every two years. In 2004, DHS established the Visa Waiver Program Oversight Unit within the Office of International Enforcement (OIE). DHS conducted its first mandated biennial reviews in 2004, and determined that all of the countries it reviewed should remain in the program. In general, these classified reviews provide an analysis of issues, such as individual countries' border controls, security over passports and national identity documents, and other matters relevant to law enforcement, immigration, and national security.

Visa-free travel to the United States boosts international business and tourism, and creates substantial economic benefits to the United States. The program allows the State Department to allocate resources to visa-issuing posts in countries with higher-risk applicant pools.

The VWP applies only to temporary visitors from participating countries traveling to the United States for business or tourism for 90 days or less, while persons traveling to the United States for other purposes, such as to study or to work, are required to have a visa.

The GAO Report is available at <http://www.gao.gov/new.items/d06854.pdf> .

GAO's letter to Chairman Sensenbrenner is available at <http://www.gao.gov/new.items/d06835r.pdf> .

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